

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SERGEY LEONTIEV,	:	
	:	
Plaintiff,	:	
	:	Case No. 1:16-cv-03595 (JSR)
- v. -	:	
	:	
ALEXANDER VARSHAVSKY,	:	
	:	
Defendant.	:	
	:	
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**DECLARATION OF SEAN HECKER, IN OPPOSITION TO PLAINTIFF’S MOTION
FOR SUMMARY JUDGMENT**

I, SEAN HECKER, an attorney duly admitted to practice before the Courts of the State of New York, declare under penalty of perjury as follows:

1. I am a partner at the law firm of Debevoise & Plimpton LLP, and am counsel of record for Defendant Alexander Varshavsky.
2. I submit this Declaration in support of Mr. Varshavsky’s Memorandum of Law in Opposition to Plaintiff’s Motion for Summary Judgment.
3. Attached hereto as Exhibit 1 is a true and correct copy of the translation of the letter from the Russian Central Bank to Y. Chaika, the Prosecutor General of the Russian Federation, with cover email beginning at Bates number SL0035954, and original Russian at SL0000496.
4. Attached hereto as Exhibit 2 is a true and correct copy of the translation of a letter from the Russian Deposit Insurance Agency to the Russian Federal Security Service (“FSB”),

dated January 14, 2016, and entitled “Report of a crime, committed by Executives of OAO AKB Probusinessbank,” with cover email beginning at Bates number SL0032531.

5. Attached hereto as Exhibit 3 is a true and correct copy of an announcement on the official website of the Investigative Committee of the Russian Federation, <http://sledcom.ru/news/item/1017596/>, dated February 17, 2016.

6. Attached hereto as Exhibit 4 is a true and correct copy of 2013 Audited Financial Statements of Wonderworks Investments Limited (“Wonderworks”), beginning at Bates number AVP0005645.

7. [REDACTED]

8. [REDACTED]

9. Attached hereto as Exhibit 7 is a true and correct copy of the report submitted by Defendant’s expert John Rollins.

10. [REDACTED]

11. [REDACTED]

12. [REDACTED]

13. [REDACTED]

14. Attached hereto as Exhibit 12 is a true and correct copy of excerpts of the transcript of the December 16, 2016 deposition of Andrei Pavlovich.

15. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of the transcript of the January 5, 2017 deposition of Alexander Varshavsky.

16. Attached hereto as Exhibit 14 is a true and correct copy of excerpts of the transcript of the January 3, 2017 deposition of Sergey Leontiev.

17. Attached hereto as Exhibit 15 is a true and correct copy of excerpts of the transcript of the December 12, 2016 deposition of Alexander Zheleznyak.

18. [REDACTED]

19. Attached hereto as Exhibit 17 is a series of additional agreements to the original September 1, 2011 assignment agreement between TO Jets and Aviron AG, bearing Bates numbers AVPE0004239, AVPE0006133, AVPE0007686, and AVPE0007702.

20. Attached hereto as Exhibit 18 is a true and correct copy of excerpts of the transcript of the December 20, 2016 deposition of Kamo Avagumyan.

21. Attached hereto as Exhibit 19 is a true and correct copy of the report submitted by Plaintiff's expert Charles Laurence.

22. Attached hereto as Exhibit 20 is a true and correct copy of a January 2017 corporate registry record of Financial Group Life, beginning at Bates number AVP0005712.

23. Attached hereto as Exhibit 21 is a true and correct copy of excerpts of the transcript of the January 17, 2017 deposition of Irina Monakhova.

24. Attached hereto as Exhibit 22 is a true and correct copy of the transcript of the August 2015 London meeting between Leontiev, Zheleznyak, Varshavsky, and others.

25. Attached hereto as Exhibit 23 is a true and correct copy of the cover email to Plaintiff's Exhibit 60, bearing Bates number AVPE0006100.

26. Attached hereto as Exhibit 24 is a true and correct copy of the cover email to Plaintiff's Exhibit 61, beginning at Bates number AVPE0006123.

27. Attached hereto as Exhibit 25 is a true and correct copy of the cover email to Plaintiff's Exhibit 65, beginning at Bates number AVP0002705.

28. Attached hereto as Exhibit 26 is a true and correct copy of excerpts of the transcript of the January 2, 2017 transcript of Vitaliy Popov.

29. Attached hereto as Exhibit 27 is a true and correct copy of excerpts of the transcript of the January 9, 2017 transcript of Irina Zubiy.

30. [REDACTED]

[REDACTED]

31. Attached hereto as Exhibit 29 is a true and correct copy of promissory notes issued to Karen Avagumyan by ZAO Financial Group Life ("FG Life") with numbers 735, 765, 800, 1937, 1953, 2465, and each bearing the following, respective Bates numbers: AVP0000978, AVP0000977, AVP0000989, AVP0000965, AVP0000961, SL0002438.

32. Attached hereto as Exhibit 30 is a true and correct copy of an email exchange

[REDACTED]

[REDACTED]

33. Attached hereto as Exhibit 31 is a true and correct copy of excerpts of the transcript of the January 12, 2017 deposition of Vadim Kolotnikov.

34. [REDACTED]

[REDACTED]

35. [REDACTED]

[REDACTED]

36. [REDACTED]

[REDACTED]

37. Attached hereto as Exhibit 35 is a Trident Trust authorized persons form, showing Alexander Shcheglyayev as the beneficial owner of Ambika, and beginning at Bates number SL0018143.

38. Attached hereto as Exhibit 36 is a document showing Alexander Shcheglyayev as beneficial owner of Vermenda, beginning at Bates number SL0006048.

39. Attached hereto as Exhibit 37 is a true and correct copy of Trident Trust authorized persons forms listing Alexander Shcheglyayev as beneficial owner of various companies.

40. Attached hereto as Exhibit 38 is a true and correct copy of excerpts of the transcript of the January 11, 2017 deposition of Alexander Shcheglyayev.

41. Attached hereto as Exhibit 39 is a true and correct copy of April 2016 emails sent from an email address [REDACTED]

42. Attached hereto as Exhibit 40 is a true and correct copy of a resolution for the liquidation of FG Life, signed by OOO Alivikt, and bearing Bates number SL0038683.

43. Attached hereto as Exhibit 41 is a true and correct copy of excerpts of the transcript of the December 14, 2016 deposition of Karen Avagumyan.

44. Attached hereto as Exhibit 42 is a true and correct copy of the corporate records of FG Life, bearing Bates number SL0038698.

45. Attached hereto as Exhibit 43 is a true and correct copy of an FG Life profit and loss statement dated June 8, 2015, and bearing Bates number SL0038687.

46. Attached hereto as Exhibit 44 is a true and correct copy of an interim liquidation balance sheet of FG Life, bearing Bates number SL0038685.

47. Attached hereto as Exhibit 45 is a true and correct copy of a liquidation balance sheet of FG Life, bearing Bates number SL0038689.

48. Attached hereto as Exhibit 46 is a Trident Trust authorized persons form, showing Alexander Shcheglyaev as the beneficial owner of Valkera Investments Limited, and beginning at Bates number SL0018192.

49. Attached hereto as Exhibit 47 is a true and correct copy of an FG Life financial statement beginning at Bates number SL0038689.

50. Attached hereto as Exhibit 48 is a true and correct copy of an OOO Alivikt shareholder resolution dated June 8, 2015, and bearing Bates number SL0038691.

51. Attached hereto as Exhibit 49 is a true and correct copy of an OOO Alivikt shareholder resolution dated June 30, 2015, and bearing Bates number SL0038692.

52. Attached hereto as Exhibit 50 is a true and correct copy of Ambika's 2011 Audited Financial Statements.

53. Attached hereto as Exhibit 51 is a true and correct copy of Ambika's 2012 Audited Financial Statements.

54. Attached hereto as Exhibit 52 is a true and correct copy of Ambika's 2013 Audited Financial Statements with 2016 auditor's editor, beginning with Bates number AVP0005586.

55. Attached hereto as Exhibit 53 is a true and correct copy of Ambika's 2013 Audited Financial Statements [REDACTED]

[REDACTED]

56. Attached hereto as Exhibit 54 is a true and correct copy of the report submitted by Plaintiff's expert Vadim Voronin.

57. Attached hereto as Exhibit 55 is a true and correct copy of a spreadsheet bearing Bates number SL0035142.

58. Attached hereto as Exhibit 56 is a true and correct copy of a letter of confirmation from auditors bearing Bates number SL0015624.

59. Attached hereto as Exhibit 57 is a true and correct copy of Wonderworks' 2011 Audited Financial Statements.

60. Attached hereto as Exhibit 58 is a true and correct copy of Wonderworks' 2012 Audited Financial Statements.

61. Attached hereto as Exhibit 59 is a true and correct copy of excerpts of the transcript of the January 6, 2017 deposition of Vadim Voronin.

62. Attached hereto as Exhibit 60 is a true and correct copy of excerpts of the transcript of the January 11, 2017 deposition of Charles Laurence.

63. [REDACTED]

[REDACTED]

[REDACTED]

64. Attached hereto as Exhibit 62 is a true and correct copy of Wonderworks' 2015 Audited Financial Statements.

65. Attached hereto as Exhibit 63 is a true and correct copy of a Russian Federation Investigative Committee order dated February 7, 2016, announcing the commencement of a criminal case against former PRBB executives, and beginning at Bates number SL0002863.

66. Attached hereto as Exhibit 64 is a true and correct copy of a spreadsheet showing stock prices, bearing Bates number AVP0002768.

67. [REDACTED]

[REDACTED]

[REDACTED]

68. Attached hereto as Exhibit 66 is a true and correct copy of an email from Zheleznyak to Varshavsky, dated February 18, 2016, and bearing Bates number AVPE0004384.

I swear under penalty of perjury that the foregoing is true and correct. Executed on
February 10, 2017.



Sean Hecker